

REMARKS

35 U.S.C. § 112 Rejections

Claims 1, 3, 6-11, 14-29, 21-38, 40-42, 44, 45, 47, 50-55, 58-61, 63-73, 75-82, 84-86 and, 88 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Office Action states that in claims 1 and 45, the recited limitation of “the game control means comprises a dynamic gaming feature....” (claim 1, lines 4-5; claim 45, line 5) renders the claims vague and indefinite since the game control means, as best understood, is a game processor (to play a game), not a game or a dynamic game feature as claimed.

Applicants have amended independent claims 1 and 45, and all dependent claims, by specifying:

“that the game ~~control means comprises~~ controller is further arranged to play a dynamic game feature”

It is respectfully submitted that the above limitation, by specifying that the game controller is further arranged to play a dynamic game feature, clarifies the independent scope of claims 1 and 45, and the corresponding dependent claims, and clearly points out and distinctly claims the subject matter of the invention. Accordingly, we submit that this objection has been addressed.

35 U.S.C. § 102(b) Rejections

Claims 1, 3, 6-11, 40-29, 31-37, 41, 45, 47, 50-55, 58-61, 63-73, 75-81 and 85 stand rejected under 35 U.S.C. 102(b) as being anticipated by Baerlocher et al. (US 5,788,573).

The invention as newly claimed in claim 1 is directed towards a gaming console comprising a display and a game controller arranged to control images displayed on the display. The game controller is arranged to play a first game displayed on the display, and, if a winning combination results, the console pays a prize. The console is characterised in that the game controller is further arranged to play a dynamic game feature whereby a feature game occurs upon a first trigger condition of the first game. The dynamic game feature includes a dynamic outcome altering stage and a subsequent random outcome indicating stage. The second trigger condition influences one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome of a set of possible outcomes of the feature game during the dynamic outcome altering stage. The feature game includes an outcome indicator having a plurality of outcome indicating parts for displaying a plurality of outcomes of the set of possible outcomes, and a selector for randomly selecting one of the outcome indicating parts during the random outcome indicating stage. The second trigger condition is operable, during the outcome indicating stage, to change at least one outcome displayed on the outcome indicator.

For ease of reference, the main amendments to the claim have been underlined.

It is alleged by the Examiner that Baerlocher et al features a gaming console or system having all of the non-underlined features above. In particular, the gaming console of Baerlocher is allegedly characterised in that the game comprises a dynamic game feature whereby a feature game occurs upon a first trigger condition on the first game, and wherein a second trigger condition influences one or more gameplay aspects of the feature game such as to alter the likelihood occurrence of at least one possible outcome of a set of possible outcomes of the feature game.

Baerlocher et al is directed towards providing a computer implemented electronic game, having a wheel of fortune game feature with odds of a jackpot greatly in excess of a number of indicia on a simulated wheel. In one version, a virtual mapping allows a bonus indicium of the wheel to be given a 1:M chance of being landed on, even though the bonus position is one of M positions displayed on a simulated wheel. A random number L is chosen between 1 and a fixed number M (32 in the example of Figure 5). This number is mapped to a number between 1 and a fixed number N (24 in Figure 5). The display of the wheel is controlled to simulate stopping of the wheel at the Ith indicium where L is mapped to I. The fixed odds for landing on a particular segment of the wheel are thus not a function of the displayed number of wheel segments, but rather a function of the underlying increased range of numbers, which is mapped onto

the segment numbers in a one-to-one or many-to-one relationship. This arrangement is described in more detail at column 6, line 16 to column 7, line 9.

In another embodiment, the odds of a jackpot are made to greatly exceed the number of indicia on a wheel by providing a hierarchy of wheels. Entry into the feature wheel game is determined by the number of occurrences of special wheel indicia on the spinning wheels of the base game. The base game is configured so that there is a 1:50 chance of reaching the point where the wheel game may be played. At least a first predetermined result must be achieved on the first wheel 602a in order for the user to be entitled to obtain a simulated spin of the next wheel. In the embodiment, fixed odds of 1:20 are provided for landing on a bonus position in the first wheel, fixed odds of 1:40 are provided for landing on a bonus position of the second wheel and fixed odds of 1:200 are provided for landing on a bonus position for the last wheel spin. The overall odds of attaining a jackpot are thus fixed at 1:8,000,000, which is the product of the individual odds of going from one wheel to the next, as is described in more detail in the abstract and in column 5, lines 45-59 and in column 9, lines 12-22.

Nowhere, either in the abstract or throughout the specification, does Baerlocher et al teach or suggest a second trigger condition influencing one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome or a set of possible outcomes of the feature game. Further, nowhere in Baerlocher is there taught or suggested the newly claimed limitations of the dynamic game feature including a dynamic

outcome altering stage and a subsequent random outcome indicating stage, wherein the second trigger condition is arranged, during the outcome altering stage, to change at least one outcome displayed on the outcome indicator.

It is alleged by the Examiner that occurrence of the second trigger condition causes the introduction to the feature game of an additional indicator (7:1-30). In this passage, there is disclosed the case of a simulated wheel where, during the random outcome indicating stage, the display is expanded to accommodate more than 24 indicia, thereby providing for a number of indicia 412 on the wheel which is greater than the number of regions 410 defined for displaying indicia at any one time. This differs from the invention as newly claimed in a number of important respects. Firstly, the event occurs during the random outcome indicating stage, whilst the wheel is rotating, and not during the proceeding dynamic outcome altering stage. Secondly, the additional region does not occur as a result of a second trigger condition of the type claimed, and does not alter the likelihood of occurrence of at least one possible outcome of a set of possible outcomes of the feature game during the dynamic outcome altering stage.

Whilst in column 8 at lines 23 to 28, there are disclosed various ways of adjusting overall odds of the jackpot, by changing the number of wheel spins or adjusting the mapping from the range of integers to the simulated wheel indicia, this does not occur in response to a second trigger condition which occurs during a dynamic outcome altering stage of the game, which trigger condition is

operable, during the outcome indicating stage, to change at least one outcome displayed on the outcome indicator. Further, this does involve changing at least one outcome displayed on the outcome indicator.

Claim 45 as amended is directed towards a gaming system of the type originally claimed wherein a controller is further arranged to play a dynamic game feature, whereby a feature game occurs upon a first trigger condition of the first game, and wherein a second trigger condition arises within the first game, said trigger condition influencing one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome of a set of possible outcomes in the feature game. Said second trigger condition is arranged, during play of the first game, to alter the outcome odds of the feature game. It is alleged by the Examiner in the paragraph bridging pages 3 and 4 of the office action that the second trigger condition arises during a first game in that "triggers resulted from the game outcome" constitute such second trigger condition. In the newly claimed gaming system, the second trigger condition arises within the first game. By definition, said trigger condition cannot arise within the first game if it results from the game outcome. In the presently claimed gaming system, there are two separate triggers which occur during play of the first game. The first trigger condition triggers entry into the feature game, and the second trigger condition arises within the first game, and influences one or more gameplay aspects of the feature game, to alter the outcome odds of the feature game.

In contrast, in Baerlocher et al entry into the feature or wheel game is determined by the number of occurrences of special wheel indicia on the spinning reels of the base game. The spinning of successive wheels in the Baerlocher et al occurs during play of the feature game, and insofar as a second trigger condition exists it is the trigger condition which occurs within the feature game, and results in moving from one wheel to the next. As has previously been pointed out, the outcome odds of the wheels remain static during play of the feature game. New claim 89 is directed towards a gaming console having similar limitations to the gaming system of claim 45, though with the added limitations of the feature game including a series of bonus games of the first game and a subsequent feature event, and is consequently clearly distinguishable over Baerlocher et al, in which the feature event includes the wheel feature.

35 U.S.C. § 103(a) Rejections

Claims 38, 40, 42, 44, 82, 84, 86 and 88 stand rejected under 35 U.S.C 103(a) as being unpatentable over Baerlocher et al in view of Adams (US 5,911,418). The Examiner alleges that, whilst Baerlocher et al does not explicitly teach the limitations of causing a prize to be added to a blank sector of the wheel to provide an opportunity for the player to add winning sectors to the wheel, Baerlocher et al, however, teaches modifying the indicia of the wheels sector (7:10-44), wherein at least one of the wheels sectors have a zero value and at least a prize (Figs 2, 4, 5). The Examiner goes on to allege that Adams teaches a system

and method of playing card games with an additional payout indicator comprising paying (wagering) to play a bonus game wherein the bonus game comprises a wheel having prizes or winning sectors. The Examiner maintains that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system having the modifiable spin the wheel of Baerlocher et al with the bonus game having wagering option, as taught by Adams, to come up with a challengeable bonus game that brings excitement to casino game, thus attracting more players to start gaming and bring forth more profit.

One aspect of the gaming console and system as newly claimed is that it provides a dynamic game feature in which a second trigger condition is arranged, during play of a first game, or prior to a random outcome indicating stage, to alter the outcome odds of the feature game or event. This adds to the player's sense of anticipation and excitement during play of the first game, or outcome altering stage, as the likelihood of occurrence of outcomes in the feature game or event, are varied before the feature game is entered into.

Adams is directed towards playing a table or board card game in which a display surface is provided with seven player wagering stations. Each player station comprises wagering areas indicating the amount to be wagered by the players, a common card area and a conventional rotatable payout indicator wheel. After placing a wager in the wager area, each player receives three cards from a dealer, who then places two common cards down in the common card

area to complete the partial hands of all the players. The player is provided with the opportunity to increase his wager. If a player has made three wagers and attains a preselected hand, the player will qualify to spin the wheel for his payout. The wheel is divided into eight segments, and carries a range of fixed prizes which, in one embodiment, are interspersed with blanks. Neither the prize values on the wheel nor the odds of winning a prize on the spinning wheel are variable by, for instance, adding prizes to blank segments, varying the number of prizes or blanks. Further, no outcome altering stage is provided prior to spinning the wheel to change at least one outcome displayed on the wheel. In addition, a second trigger condition operable to change at least one outcome displayed on the wheel is neither taught nor suggested in Adams.

Adams relates to a table or card game involving the interaction between a dealer and multiple players, whilst both the Baerlocher et al reference and the presently claimed invention are directed towards gaming consoles in which a controller is arranged to control images displayed on a display, with a controller being arranged to play a first game displayed on the display and, if a winning combination results, the console pays a prize. There is accordingly no suggestion or motivation to one of ordinary skill in the art to combine the teachings of these references, and there is no reasonable expectation of success in combining the references.

Finally, as is pointed out above, none of these references either singly or in combination either teach or suggest all of the claim limitations. The only feature

common to both Baerlocher and Adams is the spinning wheel. The spinning wheel of Adams is a conventional type of spinning wheel carrying a series of static outcomes, and adds nothing to the wheel of Baerlocher. In both Baerlocher and Adams there is no teaching or suggestion of a feature game including an outcome altering stage wherein a second trigger condition influences one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome within a set of possible outcomes of the feature game, and wherein the second trigger condition is operable, prior to said random outcome indicating stage, to change at least one outcome displayed on the outcome indicator. Further, neither Adams nor Baerlocher teach or suggest, either singularly or in combination, the second trigger being operable within the first game or the feature game including a series of bonus games of a first game and subsequent feature event, wherein the second trigger condition arises within said series of bonus games, said second trigger condition is arranged, during play of said at least one game, to influence the outcome odds of the feature event.

The dependent claims 3, 6-10, 14-16, 19-29, 31-38, 42, 44 and 90-96 ultimately depend from claim 1, and are patentable for at least the same reasons, as well as for the further patentable features recited therein. Similarly, dependent claims 47, 50, 51, 53, 54, 58-60, 65-86 and 88 are ultimately dependent from claim 45, and are patentable for at least the same reasons, as well as for further patentable features recited therein.

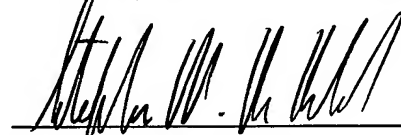
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 20, 2005



Stephen M. De Klerk
Reg. No. 46,503

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300